

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.
2. On page 9 of the remark, Applicant argues the 35 U.S.C 101 rejection for claims 8-10 have already been resolved. the examiner disagrees.

"In the start of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium' covers a signal per se." In order to overcome the 35 U.S.C. 101 rejection, the "computer readable medium" should be changed to "non-transitory computer readable medium".

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-10 are rejected under 35 U.S.C. 101 because claims are directed to nonstatutory subject matter.

For claims 8-10, "In the start of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium' covers a signal per se." In order to overcome the 35

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U.S.C. 101 rejection, the "computer readable medium" should be changed to "non-transitory computer readable medium".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 10, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 6,181,870 B1) and Seo et al (US 2002/0,006,273 A1), hereinafter referenced as Seo, in view of Official Notice and further in view of Yap et al (US 7,379,653 B2).

For claim 8, Okada teaches teach a computer-readable medium having a data structure for managing video data recorded on the computer-readable medium (e.g. figure 6A shows the data structure of video stream recorded on the DVD, column 16, lines 22-60), comprising:

- a data area storing a plurality of data packets including source packets of at least video data of a stream including a plurality of clip files recorded on the recording medium (e.g. figure 6A, a video stream contains plurality of GOP, wherein each GOP contains plurality of video packets, column 16, lines 44-60); the video data is configured to display images on a display when read by the computer (e.g. figure 16 and 17, the playback device is

considered to be a computer since it contains a CPU 1a, display 72 is shown in figure 16).

- a plurality of time control information areas (e.g. Figure 6H, plurality of GOP contain plurality of video packets, where a PTS and a DTS can be assigned once to each GOP, column 23, lines 26-56), representing decoding time interval information (e.g. interval corresponds to the GOP), each of said plurality of time control information areas recorded at a fixed time interval in a corresponding one of said plurality of data packets of the stream (e.g. figure 6H, PTS and DTS in one packet header).
- a management area storing management information for managing reproduction of the stream, the management information including an information file associated with each clip file providing a map for the associated clip file, each map mapping presentation time information to address information for the associated clip file (e.g. column 80, lines 51-67 and figure 12A, time map table).
- wherein the said fixed packet interval corresponds to at least two transport steam packets or source packets (the interval of a GOP must corresponds to at least tow video packet, figure 6A shows a interval of a GOP contains at least two video “packet” in the interleaving Pack Sequence).

However, Okada fail to teach each of the data packets comprises a transport stream packet having 188 bytes or a source packet having a header and the transport

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stream packet; the data structure is associated with a blu-ray disc format. Seo teach each of the data packets comprises a transport stream packet having 188 bytes or a source packet having a header and the transport stream packet (e.g. figure 4 of Seo shows each transport packet has a packet size of 188 bytes). Column 16, lines 21-26 of Okada teach the packet size is 2K bytes, or 2048 bytes in the conventional DVD art, and Seo teach the packet size is 188 bytes. It would have been obvious to one ordinary skill in the art at the time the invention was made to replace the 2048 bytes data packet of Okada with the 188 bytes of Seo for the same purpose of video recording and playback. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art (KSR, 550 U.S. at \_\_\_, 82 USPQ2d at 1396).

Okada and Seo fail to specify the data structure is associated with a blu-ray disc format. The examiner takes Official Notice for the data structure is associated with a blu-ray disc format since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to associate the data structure disclosed by Okada and Seo with the blu-ray disc format to simplify the data process step and reduce the time for data processing.

Okada, Seo and Office Notice fail to teach a packet encoding time stamp sized from 30 to 32 bits. Yap et al teach a packet encoding time stamp sized from 30 to 32 bits (e.g. figure 3b, column 7, lines 19-31, PTS for each encoded frame). It would have been obvious to one ordinary skill in the art at the time the invention was made to

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incorporate the time stamp from the MPEG standard to control the playback time of the video to increase the quality of the playback since the synchronization of the video can be control easily.

Claims 10-14 are rejected for the same reasons as set forth in claim 8 above.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada, Seo, Official Notice and Yap et al (US 7,379,653) as applied to claims 1, 8, 10, 11 and 12 above, and further in view of Yoo et al (US 2002/0,150,392 A1).

See the teaching of Okada, Seo, Official Notice and Yap et al above.

For claim 9, Okada, Seo, Official Notice and Yap et al fail to specify fixed packet interval is 10 packets. Yoo et al teach a fixed packet interval is 10 packets (paragraph [0033]). It would have been obvious for one ordinary skill in the art at the time the invention was made to have use 10 packets as a fixed interval in the system disclosed by Okada, Seo, Official Notice and Yap et al to simplify the data process step and reduce the time for data processing.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/

Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621